IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appeal No: **Unassigned**

In re the Application of: **Yair SHACHAR et al.** Group Art Unit: **2431**

Serial Number: **10/689,000** Examiner: **Aravind K MOORTHY**

Filed: **October 21, 2003** Confirmation Number: **4369**

For: **METHOD AND SYSTEM FOR PROVIDING SECURITY DATA TO SECURITY STATIONS**

Attorney Docket Number: **NAPEVC-6221-US**
Customer Number: **–**

APPEAL BRIEF

Mail Stop **Appeal Brief-Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 8, 2010

Sir:

Applicants appeal the rejection of claims 1-7, 10-24, and 26-42. The Office Action of March 18, 2009 sets forth the Examiner's rationale for the rejection.

Applicants (now referred to hereinbelow as "appellants") filed a Notice of Appeal on September 17, 2009.

I. REAL PARTY IN INTEREST

The real party in interest is the assignee of the subject application, which is:

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II. RELATED APPEALS AND INTERFERENCES

Appellants know of no other appeals or interference proceedings related to the present appeal.

III. STATUS OF CLAIMS

Claims 1-7, 10-24, and 26-42 on appeal are rejected.

Claims 8, 9, and 25 are canceled, and claims 43-60 are withdrawn from consideration.

IV. STATUS OF AMENDMENTS

No amendments were filed subsequent to the Final Rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

As required by 37 CFR § 41.37(c)(1)(v), appellants provide the following summary of the claimed subject matter for both independent claims involved in the present appeal. As perhaps an order that provides a more concise presentation, appellants discuss first the subject matter of independent claim 23 and then the subject matter of independent claim 1.

Claim 23 describes a system (see, *e.g.*, Fig. 1) that includes the following:

- a "security data collection unit" (*e.g.*, one of the security data collection units 210 of page 3, line 17);
- a "first viewing unit to display said collected security data" (*e.g.*, the viewing unit 214, such as a monitor, screen or other data display medium upon which security data may be displayed as discussed on page 3 in lines 22-26);

- a "second viewing unit to display said collected security data concurrently with said display on said first viewing unit" (*e.g.*, the viewing unit 222, such as computer screen or other information display medium as discussed on page 4 in lines 7-8);
- a "controller to selectively direct collected security data to said second viewing unit" (*e.g.*, the device included in the controller 216 that may select the supervisor 218 to whom collected data is to be directed as discussed on page 5, lines 19-22), and
- a "bidirectional communication link between facilitating communication between viewers at said first and second viewing units" (*e.g.*, the communication device 212, which may be a bi-directional communication link such as a telephone, teleconference, videoconference, data transfer or other voice, image or data communication device, and which may facilitate communication between security operator 202 and a supervisor 218 as discussed from page 9, line 33, to page 10, line 3).

Claim 1 describes a method (see, *e.g.*, the flow chart of Fig. 2) includes the following:

- "collecting security data" (*e.g.*, block 100, discussed on page 11, lines 27-33);
- "providing said security data to a first security station" (*e.g.*, block 102, discussed on page 12, lines 1-10);
- "selecting at least a second security station" (*e.g.*, block 104, discussed on page 12, line 11);
- "providing said security data to said at least second security station so that said first security station and said at least second security station have concurrent access to said security data" (*e.g.*, block 106, discussed on page 12, lines 24 and 26-28); and

- "opening a bidirectional communication link between said first security station and said at least second security station" (*e.g.*, block 108, discussed on page 13, lines 3-4).

The "bidirectional communication facilitates communication between a operators of the first and second security stations" (*e.g.*, page 13, lines 6-8).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellants appeal the following rejections:

- the rejection of claims 1-7, 10, 14-16, 19-21, 23, 24, 26, 27, and 30-39 under 35 U.S.C. § 102(e) as anticipated by Monroe, U.S. Published Patent Application No. 2003/0025599;
- the rejection of claims 11, 13, 40, and 41 under 35 U.S.C. § 103(a) as obvious over Monroe in view of O'Hara, U.S. Patent Application 2003/0058084;
- the rejection of claims 11, 13, 40, and 41 under 35 U.S.C. § 103(a) as obvious over Monroe in view of O'Hara, U.S. Patent Application 2003/0058084;
- the rejection of claims 12 and 32 under 35 U.S.C. § 103(a) as obvious over Monroe in view of Modica et al., U.S. Patent Application 2003/0023592; and
- the rejection of claims 22 and 42 under 35 U.S.C. § 103(a) as obvious over Monroe in view of Korosec, U.S. Patent Application 2003/0056113.

VII. ARGUMENTS

Regarding the rejection of claims 1-7, 10, 14-16, 19-21, 23, 24, 26, 27, and 30-39 under 35 U.S.C. § 102(e) as anticipated by Monroe:

The rejection of claims 1-7, 10, 14-16, 19-21, 23, 24, 26, 27, and 30-39 under 35 U.S.C. § 102(e) as anticipated by Monroe should be reversed as improper. For an anticipation rejection to be proper, an Office Action would have to identify where each feature recited in the claims is taught in the applied reference. Here, the Office Action reproduces large phrases from the claims and then reproduces larger excerpts of text from the prior art, but there is no indication in reproduced prior art text which of the elements disclosed therein corresponds to certain specific elements of the claims. Thus, the rejection cannot be deemed as properly justified. Furthermore, appellants have independently studied the cited text and find no such disclosure of the certain elements interacting as claimed. Appellants elaborate as follows:

Regarding claim 1:

Appellants address here individual claim limitations and how the Office Action associates teachings from Monroe with each of those limitations. Appellants then show how such association is inadequate to support the anticipation rejection.[1]

For both the claim 1 steps "collecting security data" and "providing said security data to a first security station," the Office Action indicates generally that paragraph [0108] of Monroe teaches this subject matter, but the Office Action does not elaborate. Appellants acknowledge that the Office Action reproduces nearly the entire text of paragraph [0108]. Appellants also note that the Office Action underlines the term "forwarded" (page 5) as opposed to reproducing the term in its original form. The term begins the phrase "forwarded only to selected stations on

[1] Because the Office Action does not provide explicit mapping of claim elements to elements disclosed in the prior art, appellants must address multiple possibilities of what the examiner may have intended.

the network ..." One interpretation of this portion of the Office Action is that one of the selected stations teaches the "first security station" of claim 1. Although such is not explicitly stated in the Office Action, the Office Action provides no hint of any other element the rejection relies upon to teach the "first security station" of claim 1.

Also to anticipate claim 1, Monroe needs to teach "selecting at least a second security station" and "providing said security data to said at least second security station so that said first security station and said at least second security station have concurrent access to said security data" as recited in the claim. As supposedly showing such teaching in Monroe, the Office Action reproduces the text of paragraph [0159], but the Office Action does not indicate which element discussed within the large paragraph is the "second security station" on which the rejection relies. Appellants note that the Office Action underlines the term "update" (page 6), but it is not clear why. The immediately surrounding text discusses updating legacy devices, such as fire alarms, motion detectors, smoke sensors, panic buttons, pull alarms, and the like, but the Office Action does not indicate if the "second security station" of the claim is argued as anticipated by any of these legacy devices.

There is also no discussion in the Office Action of what supposedly is the claimed "security data" that are provided to the second security station as claimed. If the second security station is a legacy device, then the "data" would apparently be a fire, motion, smoke, panic causing one to push a button or to pull an alarm, and the like, but this interpretation is untenable. Items of the proceeding group are physical or actual occurrences (e.g., fire and panic) and not "data" as claimed. Thus, if the rejection is based on a legacy device as teaching the claimed "second security station," the rejection should be reversed for even this reason alone.

Additionally, if the Office Action is to be interpreted as explaining that the "first security station" and the "second security station" of claim 1 are a selected station on the network of paragraph [0108] and a legacy device of paragraph [0159], respectively, the rejection would still not be proper, because claim 1 specifies that "said first security station and said at least second security station have concurrent access to said security data." Perhaps the examiner, when writing the Office Action, thought that the legacy device would send a signal to a selected station on the network (reasoning that the second security station is sending data to the first security station). Such would not anticipate claim 1, because the legacy device and the selected station on the network would not have *concurrent* access as claimed. Instead, the legacy device merely sends a signal that a physical event has occurred and then no longer has access to the "data" after the transmission to the network and the subsequent receipt by the selected station. Even if the selected station stored the event notification for its later access, the Office Action provides no explanation of how Monroe teaches a legacy device, such as a fire alarm or smoke detector accessing the data that the selected station stored.[2]

As a final argument for the patentability of claim 1, appellants quote the claim text:

> … opening a *bidirectional* communication link between said first security station and said at least second security station, and wherein said *bidirectional* communication facilitates communication between a operators of the first and second security stations

(*emphasis added*). The Office Action on page 7 provides cites to paragraphs [0159] and [0198] without any explanation of what part of this text discloses the "bidirectional communication link." To justify the rejection, however, the PTO needs to (1) identify a bidirectional communication link and (2) show that it facilitates communication between operators of security

[2] Given the understood meanings of "fire alarm" and "smoke detector," an explicit explanation would be in order if the rejection were based on their accessing the network station's records, because those devices are generally known only to sense physical events and not to access stored data.

stations as claimed. Regarding the latter requirement, as discussed above, the Office Action does not even provide a clear indication of which Monroe elements are relied upon to teach the security stations.[3]

Regarding the former requirement above, appellants have studied the text of paragraphs [0159] and [0198] and note the references therein to a "network" and a "wireless LAN." Perhaps the PTO bases its rejection on one of these networks teaching the "bidirectional communication link" recited in the claim. Such reliance however would not justify the rejection for the following reason:

The claim explicitly states that bidirectional communication facilitates communication between two operators. The Office Action does not identify the two operators, but if the understanding was that an operator existed for a legacy device and that that was one operator and another operator was someone associated with a selected station of paragraph [0108], the functionality of a network connecting the legacy device and the selected station cannot anticipate the *bidirectional* communication link that would need to be taught to justify the rejection. This is because there is only one-directional communication instead of bidirectional communication; the disclosed legacy devices sense physical events and send notifications. No teaching is cited by the PTO nor found by appellants in Monroe of a selected station sending a message in the opposite direction.[4]

Accordingly, for at least the reason that no bidirectional communication as claimed between the specified components - *in the precise manner claimed* - has been cited by the PTO

[3] Even if a legacy device were a security station, as suspected is the understanding of the examiner, no teaching is cited of an "operator" as claimed operating the legacy devices. Items such as fire alarms and smoke detectors are typically left to function automatically without the presence of human operators.

[4] Even if such communication in the second direction were *possible* at the time of the appellants' invention, the law of anticipation requires that a teaching of such (either explicit or implicit) be present in the applied prior art.

or found by the appellants in the prior art, or for at least any of the other preceding independent absences of teachings discussed above, the anticipation rejection of claim 1 should be reversed.

Regarding claims 2-7, 10, 14-16, and 19-21:

The rejection of claims 2-7, 10, 14-16, and 19-21 depends in part on the propriety of the rejection of base claim 1. However, as shown above, the rejection of claim 1 is not proper. Therefore, the rejection of claims 2-7, 10, 14-16, and 19-21 is also improper for at least this reason. Accordingly, the rejection should be reversed.

Regarding claim 23:

Also for claim 23 appellants address individual claim limitations and how the Office Action associates paragraphs of text from Monroe thereto. Appellants then discuss which disclosed elements within the cited text the examiner may be relying upon to anticipate the referenced claim limitations. With such interpretations of the Office Action, appellants explain why such reliance does not justify the anticipation rejection.

Claim 23 describes a system that includes a "security data collection unit," and the Office Action indicates that such element is disclosed by Monroe in paragraph [0108]. However, the Office Action does not indicate which of the multiple elements disclosed in that paragraph, *e.g.*, the "selected stations on a network," the "sensor," or the "monitoring stations," is relied upon to teach the security data collection unit. Appellants note though that the Office Action reproduces nearly all the text of paragraph [0108] and underlines "forwarding" and "forwarded" in a way to suggest that the examiner is relying on the "selected stations on a network" to teach the security data collection unit of the claim.[5]

[5] Such admittedly is only an inference, but it is stronger than any inference that the examiner was relying on a different element.

The system of claim 23 also includes a "first viewing unit" to display the collected security data, and the examiner cites paragraph [0135] and also reproduces the paragraph's text. Appellants note that the term "displayed" is underlined, which is maybe the examiner's indication that the Monroe system has a display (a viewing unit). Appellants note that this term is part of the Monroe recitation "all of the associated information such as images, motion levels, triggers, alarms, and event processing can be displayed in synchrony with each other." Thus, if the implied display associated with the quoted text is relied upon to teach the "first viewing unit" of claim 23, the "associated information such as images, motion levels, triggers, alarms, and event processing" would be the "collected security data" of the claim. Based on this inference, it seems that the examiner might believe that the implied display is connected to the selected station of paragraph [0108]. Appellants note that the examiner provides no discussion nor cite to a Monroe statement that such is actually the case.

The system of claim 23 further includes a "second viewing unit" to display the collected security data "*concurrently with* said display on said first viewing unit" (*emphasis added*). Thus, to justify the anticipation rejection, the Office Action would need to (1) identify the second viewing unit of Monroe and then (2) show how it displays security data *concurrently* with the first viewing unit.

In addressing the claim recitation "a second viewing unit ...," the Office Action cites paragraph [0220], reproduces it in its entirety, and underlines two recitations of the term "displays." No further explanation in provided. Such cannot meet the burden of justifying the anticipation rejection, because even though the paragraph's reference to Fig. 9 shows that there is a display in Monroe, the Office Action provides no reason to think that this display is not the same display referenced in paragraph [0135] as what the examiner may be thinking is connected

to the "selected station on a network" of paragraph [0108]. Appellants provide the following argument that the two references should *not* be assumed to refer to two different displays:

The paragraph [0108] is a general introductory paragraph of Monroe's detailed description, and this paragraph states that events are forwarded to selected stations on a network. The last paragraph of this introductory section (paragraph [0110]) states that one distinct aspect of the invention is "(5) notification." Paragraph [0220] in the "NOTIFICATION" section of the disclosure discusses displaying data, and it says nothing about there being a second display as opposed to the same display connected to the selected station on the network. Given that the PTO has the burden to justify the rejection instead of the appellants having the initial burden to justify allowance, a sufficient argument for reversal of the rejection is noting the absence of a proper explanation of why the display of paragraph [0220] is supposedly a different one from the display of paragraph [0135]. Nonetheless, appellants have additional arguments for reversal, including the following:

Assuming *arguendo* that the examiner has properly identified two separate viewing units as claimed, the examiner also must show how the two viewing units display the security data *concurrently* as claimed. However, as stated above, the office action (page 11) merely cites paragraph [0220], reproduces it in its entirety, and underlines two recitations of the term "displays." Such is not a showing of concurrent display as claimed, and the rejection should be reversed for this reason alone. Nonetheless, appellants have studied the Monroe for a teaching that may be the basis of the examiner's rejection, but no such teaching was found.

One final argument for the reversal of the anticipation rejection of claim 23 is that the claim states that the system includes a "bidirectional communication link between facilitating communication between viewers at said first and second viewing units," and the Office Action

does not indicate how Monroe supposedly teaches this feature. Appellants have scrutinized Monroe for this feature and find no such subject matter. The Office Action merely cites paragraphs [0159] and [0136], without elaboration, as a general statement that these paragraphs disclose both the bidirectional communication link and the "controller" (another claim element). Appellants note that both paragraphs [0159] and [0136] reference a network, but appellants do not find any statement that *two* displays are connected thereto and display the same security data and that the respective viewers of the two displays are *each* sending communications *to each other* (bidirectional communication). Merely because the Office Action does not provide an indication of which element of Monroe is relied upon to teach the bidirectional communication link of claim 23, the rejection should be reversed, but appellants present multiple arguments for reversal.

Thus, in view of even one of the arguments above, appellants submit that the anticipation rejection of claim 23 should be reversed.

Regarding claims 24, 26, 27, and 30-39:

The rejection of claims 24, 26, 27, and 30-39 depends in part on the propriety of the rejection of base claim 33. However, as shown above, the rejection of claim 33 is not proper. Therefore, the rejection of claims 24, 26, 27, and 30-39 is also improper for at least this reason. Accordingly, the rejection should be reversed.

Regarding the rejection of claims 11, 13, 40, and 41 under 35 U.S.C. § 103(a) as obvious over Monroe in view of O'Hara:

The rejection of claims 11, 13, 40, and 41 under 35 U.S.C. § 103(a) as obvious over Monroe in view of O'Hara should be reversed. The obviousness rejection of these claims

depends in part on the propriety of the anticipation rejection of base claims 1 and 23.[6] However, as shown above, the rejection of base claims 1 and 23 is not proper. Therefore, the rejection of claims 11, 13, 40, and 41 is also improper for at least this reason.

Regarding the rejection of claims 12 and 32 under 35 U.S.C. § 103(a) as obvious over Monroe in view of Modica et al.:

The rejection of claims 12 and 32 under 35 U.S.C. § 103(a) as obvious over Monroe in view of Modica et al. should be reversed. The obviousness rejection of these claims depends in part on the propriety of the anticipation rejection of base claims 1 and 23. However, as shown above, the rejection of base claims 1 and 23 is not proper. Therefore, the rejection of claims 11, 13, 40, and 41 is also improper for at least this reason.

Regarding the rejection of claims 17, 18, 28, and 29 under 35 U.S.C. § 103(a) as obvious over Monroe in view of Sullivan:

The rejection of claims 17, 18, 28, and 29 under 35 U.S.C. § 103(a) as obvious over Monroe in view of Sullivan should be reversed. The obviousness rejection of these claims depends in part on the propriety of the anticipation rejection of base claims 1 and 23. However, as shown above, the rejection of base claims 1 and 23 is not proper. Therefore, the rejection of claims 11, 13, 40, and 41 is also improper for at least this reason.

[6] Although the Office Action on page 13 recites "as applied to claim 1" instead of "as applied to claim*s* 1 *and 23*," the examiner must have intended to recite claim 23, also. Claims 28 and 29 do not depend from claim 1.

Regarding the rejection of claims 22 and 42 under 35 U.S.C. § 103(a) as obvious over Monroe in view of Korosec:

The rejection of claims 22 and 42 under 35 U.S.C. § 103(a) as obvious over Monroe in view of Korosec should be reversed. The obviousness rejection of these claims depends in part on the propriety of the anticipation rejection of base claims 1 and 23. However, as shown above, the rejection of base claims 1 and 23 is not proper. Therefore, the rejection of claims 11, 13, 40, and 41 is also improper for at least this reason.

To reduce the issues of the present appeal, the appellants request that the examiner, unless the rejection is withdrawn, provide in the Examiner's Answer, for each element of independent claims 1 and 23, an indication of which element of Monroe is relied upon to teach that claim element. For example, the Examiner's Answer should indicate which element supposedly teaches the "security data collection unit," which element supposedly teaches the "first viewing unit," which element supposedly teaches the "second viewing unit," and which element supposedly teaches the "bidirectional communication link" instead of merely copying paragraphs of text and underlining words. Such would indicate the basis of the rejection, allow for a more concise reply brief, and simplify the decision process of the Board.

VIII. CONCLUSION

For the above reasons, appellant requests that the Board of Patent Appeals and Interferences reverse the Examiner's rejection of claims 1-7, 10-24, and 26-42.

Respectfully submitted,

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CLAIM APPENDIX

The following claims are involved in the appeal:

1. A method comprising: collecting security data; providing said security data to a first security station; selecting at least a second security station; providing said security data to said at least second security station so that said first security station and said at least second security station have concurrent access to said security data; opening a bidirectional communication link between said first security station and said at least second security station, and wherein said bidirectional communication facilitates communication between a operators of the first and second security stations.

2. A method as in claim 1, wherein said providing said security data to said at least second security station comprises transmitting said security data over an electronic network.

3. A method as in claim 1, further comprising using a controller operably connected to said first security station to direct said security data to said at least second security station.

4. A method as in claim 1, wherein said selecting said at least second security station is based on pre-defined criteria.

5. A method as in claim 4, wherein said predefined criteria includes the availability of an operator at said at least second security station.

6. A method as in claim 4, wherein said predefined criteria comprises an expertise of an operator of said at least second security station.

7. A method as in claim 1, wherein providing said communication link between said at least first security station and said at least second security station comprises providing a graphical overlay on images in said collected security data.

10. A method as in claim 1, further comprising controlling security data collection equipment from said at least second security station.

11. A method as in claim 10, wherein controlling security data collection equipment comprises controlling at least one biometric sensor from said at least second security station.

12. A method as in claim 1, wherein said collecting security data comprises collecting security data from a baggage x-ray machine operated by an individual.

13. A method as in claim 1, wherein said collecting security data comprises collecting security data from a biometric sensor operated by an individual.

14. A method as in claim 1, wherein said collecting security data comprises collecting fire detection data from a sensor.

15. A method as in claim 1, wherein said opening a communication link includes opening a communication link over an electronic network.

16. A method as in claim 1, wherein providing said security data to said at least second security station, comprises providing said security data to said at least second security station over an electronic network using an internet protocol.

17. A method as in claim 1, wherein opening a communication link between said first security station and said at least second security station, comprises opening a videoconference link between said first security station and said at least second security station.

18. A method as in claim 17, wherein opening a videoconference link comprises opening a videoconferencing link that is based on an ITU.F323 protocol.

19. A method as in claim 1, wherein selecting at least a second security station, comprises selecting at least a second security station located remotely from said first security station.

20. A method as in claim 1, wherein collecting security data comprises collecting security data with equipment controlled from said first security station.

21. A method as in claim 1, wherein said opening a communication link between said first security station and said at least second security station, comprises opening a bi-directional data transfer link.

22. A method as in claim 1, wherein said collecting security data comprises calculating a height of a feature of a subject from an image of said subject.

23. A system comprising: a security data collection unit; a first viewing unit to display said collected security data; a second viewing unit to display said collected security data concurrently with said display on said first viewing unit; a controller to selectively direct collected security data to said second viewing unit, and a bidirectional communication link between facilitating communication between viewers at said first and second viewing units.

24. A system as in claim 23, wherein said controller selectively directs said collected security data to said second viewing unit upon a signal of a viewer of said first viewing unit.

26. A system as in claim 23, wherein said communication link is over an electronic network.

27. A system as in claim 26, wherein said electronic network is an internet protocol based network.

28. A system as in claim 23, wherein said communication link is a videoconference link.

29. A system as in claim 28, wherein said videoconference link is based on a ITU.H323 protocol.

30. A system as in claim 23, wherein said first viewing unit is located remotely from said second viewing unit.

31. A system as in claim 23, wherein said security data collection unit comprises at least a fire detection sensor.

32. A system as in claim 23, wherein said data security collection unit is a baggage x-ray machine.

33. A system as in claim 23, further comprising a security data collection unit controller operably connected to said second viewing unit.

34. A system as in claim 23, wherein said controller is to selectively direct collected security data to said second viewing unit on the basis of pre-defined criteria.

35. A system as in claim 34, wherein said pre-defined criteria comprises an availability of an operator of said second viewing unit.

36. A system as in claim 34, wherein said pre-defined criteria comprises an expertise of an operator of said second viewing unit.

37. A system as in claim 23, comprising a communication unit enabling an operator of said second viewing unit to communicate with a subject of said collected security data.

38. A system as in claim 23, wherein said collected security data includes data added by an operator of said first viewing unit.

39. A system as in claim 23, comprising a first security data collection unit controller operably connected to said first viewing unit, and a second security data collection unit operably connected to said second viewing unit.

40. A system as in claim 39, wherein said first security data collection unit controller is to control a biometric sensor.

41. A system as in claim 39, wherein said second security data collection unit controller is to control a biometric sensor.

42. A system as in claim 23, wherein said security data collection unit is a camera operably connected to a processor capable of calculating a height of feature of a subject based on an image of said subject.

EVIDENCE APPENDIX

No evidence under 37 C.F.R. § 41.37(c)(1)(ix) is submitted.

RELATED PROCEEDING APPENDIX

No decisions under 37 C.F.R. § 41.37(c)(1)(x) are rendered.